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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,283	02/25/2004	Michael L. Callaghan	BING-1-1057	4004
46020	7590	07/27/2005	EXAMINER	
BLACK LOWE & GRAHAM PLLC 701 FIFTH AVENUE, SUITE 4800 SEATTLE, WA 98104			BROADHEAD, BRIAN J	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/786,283	Applicant(s) CALLAGHAN ET AL.	
	Examiner Brian J. Broadhead	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-37 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-15, 17-21, 38-41 and 43 is/are rejected.
- 7) ☒ Claim(s) 6, 16, 22 and 42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10-28-04, 6-21-04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5, 11, 12, 15, 21, 38, 41, and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Pike et al., 4979588.

3. Pike et al. disclose a lift device in figure 1; at least one first sensor attached to the lift device on lines 15-21, on column 2; a controller coupled to the first sensor and the drive assembly to interrupt the drive assembly when the lift device approaches and or touches the object(22); a contact switch in figure 1; at least one display(118) linked to the controller, the display indicating a presence of the object proximate to the lift device; and a drive to move the lift device on lines 60-62, on column 2.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 17, 39, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pike et al., 4979588, in view of Milner, 3670849.

6. Pike disclose the limitations as set forth above. They do not disclose a second sensor to sense an object to at least one of a side and end of the lift device. Milner teaches a second sensor to sense an object to at least one of a side and end of the lift device on lines 6-33, on column 5. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the two sensors together because it would prevent collisions in more directions of movement. It is instantly obvious to one of ordinary skill in the art that a collision can happen in any direction the platform can move.

7. Claims 2, 3, 4, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pike et al., 4979588, in view of Baldas et al., 2002/0074186.

8. Pike et al. disclose the limitations as set forth above. Pike et al. does not disclose the different sensors types in the claims. Baldas et al. teach using any known sensor type in paragraph 38. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the sensor types of Baldas et al. in the invention of Pike et al. because it is a design choice. The advantages of certain sensors in different operating conditions are known. For example, optical sensors would have problems in a paint shop from the spray.

9. Claims 8, 9, 10, 18, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pike et al., 4979588, in view of Milner, 3670849, as applied to claims 7 and 17, above, and further in view of Baldas et al., 2002/0074186.

10. Pike et al. and Milner disclose the limitations as set forth above. Pike et al. and Milner do not disclose the different sensors types in the claims. Baldas et al. teach

using any known sensor type in paragraph 38. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the sensor types of Baldas et al. in the invention of Pike et al. and Milner because it is a design choice. The advantages of certain sensors in different operating conditions are known. For example, optical sensors would have problems in a paint shop from the spray.

Allowable Subject Matter

11. Claims 23 through 37 are allowed.
12. Claims 6, 16, 42, and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
13. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose the sensor includes an optical proximity detector, a through beam emitter, and a through beam receiver; a display that includes a directional display to display a direction the lift device will move if the at least one drive is activated; a module that includes an proximity detector, a through beam emitter, and a through beam receiver that may be interrupted by objects proximate to the module; and a direction indicator to indicate the angle the steering mechanism is orientated.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 571-272-6957. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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